IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Plaintiff, vs. NANCY MARTIN PEREZ, Defendant.) 8:08MJ104) DETENTION ORDER)	UNITED STATES OF AMERICA)			
NANCY MARTIN PEREZ,))	,			
j j) DETENTION ORDE			
Defendant.)	NANCY MARTIN PEREZ,			
	dant.)			
A. <u>Order For Detention</u> After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reformance Act on June 9, 2008, the Court orders the above-named defendant detained pursu to 18 U.S.C. § 3142(e) and (i).				
B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination conditions will reasonably assure the appearance of the defendant as requir X By clear and convincing evidence that no condition or combination of condit will reasonably assure the safety of any other person or the community.				
C. Finding Of Fact The Court's findings are based on the evidence which was presented in court a contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: the possession with intent to distribute marihuana cate a minimum sentence of five years imprisonment and a maxim sentence of forty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances wit:	al Services Report, and includes the following: circumstances of the offense charged: crime: the possession with intent to distribute manimum sentence of five years imprisonment and ence of forty years imprisonment. Offense is a crime of violence. Offense involves a narcotic drug. Offense involves a large amount of controlled supports of the c			
(2) The weight of the evidence against the defendant is high. The history and characteristics of the defendant including: (a) General Factors: The defendant appears to have a mental condition who may affect whether the defendant will appear. The defendant has no family ties in the area. The defendant has no steady employment. The defendant has no substantial financial resources. X The defendant is not a long time resident of the communities. The defendant does not have any significant communities. Past conduct of the defendant: X The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appea court proceedings. (b) At the time of the current arrest, the defendant was on: X Probation - State of California	and characteristics of the defendant including: eral Factors: The defendant appears to have a mental comany affect whether the defendant will appear the defendant has no family ties in the arear the defendant has no steady employment. The defendant has no substantial financial reactions to the defendant is not a long time resident of the defendant does not have any significant ties. Past conduct of the defendant: The defendant has a history relating to drug the defendant has a history relating to alcohology. The defendant has a significant prior criminal the defendant has a prior record of failure court proceedings. The defendant arrest, the defendant was one time of the current arrest, the defendant was one time of the current arrest, the defendant was one time of the current arrest, the defendant was one time of the current arrest, the defendant was one time the def			

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		lease pending trial, sentence, appeal or completion of intence.	
	(c) Other Facto		
		e defendant is an illegal alien and is subject to	
		portation. e defendant is a legal alien and will be subject to	
	dep	portation if convicted.	
	(Bl	e Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal. ner:	
Χ	(4) The nature and s	seriousness of the danger posed by the defendant's	
		ows: the nature of the charges in the Indictment and the	
Χ	(5) Rebuttable Presu	mptions	
	In determining that	the defendant should be detained, the Court also relied rebuttable presumption(s) contained in 18 U.S.C. §	
	3142(e) which the	Court finds the defendant has not rebutted:	
		ondition or combination of conditions will reasonably	
		appearance of the defendant as required and the safety person and the community because the Court finds that	
	the crime in		
		A crime of violence; or	
	(2)	An offense for which the maximum penalty is life	
	X (3)	imprisonment or death; or A controlled substance violation which has a maximum	
	<u> </u>	penalty of 10 years or more; or	
	(4)	A felony after the defendant had been convicted of two	
		or more prior offenses described in (1) through (3)	
		above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above	
		which is less than five years old and which was	
committed while the defendant was on pretrial release.			
X (b) That no condition or combination of conditions will reasonably			
		appearance of the defendant as required and the safety	
	cause to be	nunity because the Court finds that there is probable lieve	
		That the defendant has committed a controlled	
		substance violation which has a maximum penalty of	
	(0)	10 years or more.	
	(2)	That the defendant has committed an offense under 18 U.S.C. § 924(c)(uses or carries a firearm during and in	
		relation to any crime of violence, including a crime of	
		violence, which provides for an enhanced punishment	
		if committed by the use of a deadly or dangerous	
		weapon or device).	

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 9, 2008.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge